

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-28 are pending in this case. Claims 1, 2, and 22-24 are amended, and Claims 25-28 are added by the present amendment. The changes to Claims 1, 3, and 22-24, and new Claims 25-28 are supported in the originally filed disclosure at least at Figure 26 and the associated description. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-24 were rejected under 35 U.S.C. §103(a) as unpatentable over Goldman (U.S. Pub. No. 2002/0112239 A1) in view of Ellis, et al. (U.S. Pub. No. 2003/0020744 A1, herein “Ellis”).

At the outset, Applicants and Applicants’ representatives thank Examiner Son Huynh for the courtesy of an interview with Applicants’ representatives on August 9, 2010. The discussion during that interview is reflected in the remarks presented herein.

Applicants respectfully traverse the rejection of the pending claims under 35 U.S.C. §103(a).

Amended Claim 1 is directed to a data processing apparatus that performs data processing to generate an EPG and recites, *inter alia*, “the statistical data displayed in superimposed fashion including an indicator of the data indicating scheduling of recording of future-broadcast programs *and an indicator of the data indicating the viewing of the recording of the program.*”

Goldman illustrates, at Figures 2 and 3, and describes, at paragraphs [0027], [0048], and [0049], that individual viewing behavior of users (98a-98d) may be tracked and compiled at a clearinghouse (100) using a feedback channel to generate an Electronic Program Guide (“EPG”) displaying user viewing behavior. To that end, Goldman illustrates, at Figure 4, and describes, at paragraph [0052], an EPG which displays television programs ranked in

decreasing order based upon viewership information (206) and viewing population information (208), for programs being presently broadcast.

However, as discussed during the interview, Goldman does not describe generating an EPG including superimposed data indicating viewing of a recording of a program. Instead, Goldman describes generating an EPG including ranked television programs based upon viewership and population information, *for programs being presently broadcast*. In fact, Goldman is silent as to acquiring any statistical data “indicating viewing of a recording of a program,” as recited by amended Claim 1, at all. Thus, Goldman does not teach or suggest generating an EPG having “statistical data displayed in superimposed fashion including . . . *an indicator of the data indicating the viewing of recordings of programs*,” as recited by amended Claim 1.

Ellis does not cure the above-discussed deficiencies of Goldman.

Ellis describes, at paragraph [0125] of U.S. Pub. No. 2003/0149988, which is incorporated by reference into Ellis, a program listing which “has icon 299 that indicates the listing is for a program that is to be recorded.”

However, as discussed during the interview, paragraph [0125] of U.S. Pub. No. 2003/0149988 does not describe a program listing indicating viewing of a recording of a program. Instead, the icon (299), as described at paragraph [0125] of U.S. Pub. No. 2003/0149988, indicates that a program is *to be recorded* and not whether a recording of the program *has been viewed*. In fact, Ellis is silent as to acquiring any statistical data “indicating viewing of a recording of a program,” as recited by amended Claim 1, at all. Thus, Ellis does not teach or suggest generating an EPG having “statistical data displayed in superimposed fashion including . . . *an indicator of the data indicating the viewing of recordings of programs*,” as recited by amended Claim 1.

Accordingly, because Goldman and Ellis, even in combination, fail to describe every element of amended Claim 1, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claim 1, and Claims 2-21, which depend therefrom, be withdrawn.

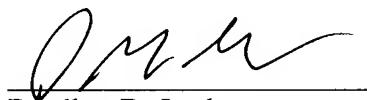
Claims 22-24, although differing in scope and/or statutory class from Claim 1, patentably define over Goldman and Ellis for reasons similar to those discussed above with regard to Claim 1. Thus, Applicants respectfully request that the rejection of Claims 22-24, under 35 U.S.C. §103(a), be withdrawn.

New Claims 25-28 depend from Claim 2, which depends from Claim 1. Therefore, Claims 25-28 patentably define over Goldman and Ellis for at least the same reasons as Claim 1 and are believed to be in condition for allowance. New Claims 25-28 further define data and indicators included within the statistical data layer, which is superimposed upon the program guide data layer of the EPG.

Accordingly, the outstanding rejection is traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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